IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

FAO.No. 195 of 2007()

AGAINST THE ORDER DATED 19/ 06 /2007 IN EA.372/12006N EP,250/1995 IN OS.535/1993 of PRL.SUB COURT,IRINJALAKUDA
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APPELLANTS/PETITIONERS/JUDGEMENT DEBTORS
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1. **JOHNY, S/O.KONKOTH MICHEAL,**
   KOTTANELLUR DESOM, THUMBOOR VILLAGE,
   THRISSUR DISTRICT.

2. **MARY, W/O.JOHNY, -DO- -DO-**

BY ADV. SRI.T.N.MANOJ

RESPONDENTS: RESPONDENTS/DECREE HOLDER

MINERVA CHITS AND MONEY LENDERS (P) LTD, IRINJALAKUDA.
(ADDRESS FOR SERVICE IS AS SHOWN ABOVE)

BY ADV. SRI.GEORGE VARGHESE (MANACHIRACKEL)

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

F.A.O.195 OF 2007

Dated 14th August, 2007

JUDGMENT

Koshy,J.

Judgment and decree were passed against the appellants and in execution of the decree, property of about 74.95 cents with a building was sold by court auction for an amount of Rs.2,50,100/=. The auction purchaser was the decree holder himself. We are not going into the merits of the matter in detail. The respondent/decree holder is a chitty company and they are more interested in getting back the money. Considering the facts and circumstances of the case, we are of the opinion that if the entire decree amount with cost incurred by the respondent is paid, order of sale can be set aside. In the above circumstances, if the appellants pay Rs.2,00,000/= within one week and balance amount within three months from today, the sale shall stand set aside. If the amount is not paid within the time granted, sale will stand confirmed.

The appeal is disposed of accordingly.

J.B.KOSHY
JUDGE

V.GIRI
JUDGE

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